

U.S. DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE
OFFICE OF ENVIRONMENTAL EVALUATION

AND

ARGONNE NATIONAL LABORATORIES

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PUBLIC COMMENT MEETING
FOR THE DRAFT PROGRAMMATIC
ENVIRONMENTAL IMPACT STATEMENT
FOR ALTERNATIVE ENERGY DEVELOPMENT
AND ALTERNATIVE USE OF EXISTING FACILITIES
ON THE OUTER CONTINENTAL SHELF

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WEDNESDAY
MAY 2, 2007

7:00 P.M.

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RESIDENCE INN & COURTYARD NORTH HARBOUR
MOUNT HOOD ROOM
1250 N. ANCHOR WAY
PORTLAND, OREGON 97217

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Public Comment Moderator:

Bob Moore, Argonne National Laboratories

Present at Head Table:

Maurice Hill
Joan Barminski
Lynette L. Vesco
U.S. Department of the Interior
Minerals Management Service
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Public Comment Speakers:

Rob Bovett
Assistant County Counsel
Lincoln County, Oregon

Gregory McMurray
Oregon Department of Land Conservation and Development

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P-R-O-C-E-E-D-I-N-G-S

(7:44 p.m.)

MR. MOORE: The first speaker
is Rob Bovett from Lincoln County.

MR. BOVETT: Good evening. My name is Rob
Bovett. I'm an assistant county counsel. I'm a
lawyer with Lincoln County, Oregon, which is on the
central Oregon coast. Thank you for coming to Oregon
and having these hearings. It's nice to actually talk
to folks rather than just comment back to DC.
Sometimes you feel like your stuff gets lost.
However, I will let you know that we will be filing
formal comments electronically. We love to do it
electronically, as well. So thank you.

First, I want to applaud your work -- your
very hard work, both from the Agency and from
Argonne -- an incredible compilation, very dense, I
must admit. But I focus on reading those parts
relating to generally what's going on here and those
relating to ocean-wide energy, since that's in our
focus. At some point in time, I'll read all the rest
of it. But it's very dense, and a high quality of
work, both in its research and its content.

I also love the website. Your website is
wonderful, very easy to go through, and very easy to

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1 access materials. So I found that handy, as well.

2 The one deficiency I noted in the EIS is
3 not a deficiency due to your fine work. It's a
4 deficiency in data. It's a complete lack of really
5 good quality data that you could rely upon relating to
6 these new technologies, simply because they are new
7 technologies. And so I can't fault that. But we need
8 to note that, and I think you did accurately not that
9 in the EIS.

10 What we don't know is more than what we do
11 know. The bio-data, the technical data, the mapping
12 data is going to be critical when we start siting some
13 of these facilities, whether it's in the OCS or in the
14 territorial sea. We, of course, have a strong vested
15 interest in making sure that not only environmental
16 impacts, but associated impacts are monitored very
17 carefully.

18 We have a \$100 million a year fishing
19 industry based in Lincoln County, and we have a vested
20 interested in seeing that not harmed. We have now
21 reduced the scope of that fishing industry through a
22 series of federal and state actions to the point where
23 we view it as renewable, and it's sustainable, and we
24 don't want to further constrict or restrict that vital
25 industry to our economy, to our welfare, to our way of

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1 life.

2 We, however, have not taken the position
3 that these are bad things. We actually look forward
4 to the development of these exciting new technologies,
5 not only for the world impact and for the impact for
6 us, but we also see economic development here, as
7 well, if it's done in a thoughtful, careful and
8 methodical way.

9 We have taken the initiative in Lincoln
10 County of developing a number of committees to try to
11 add some process, some thought to it. We formed
12 what's called the FINE Committee, which is Fishermen
13 Involved in Natural Energy, fishermen that have come
14 together to help in some of the initial siting
15 decisions for testing/R&D. And we have -- FINE last
16 week approved the first three sites in the territorial
17 sea, not in the outer continental shelf, for testing
18 buoys from Oregon State University, which you
19 mentioned the direct drive buoys that Dr. von
20 Jouanne's working on, as well as some of friends at
21 Finavera, formerly Aqua Energy, will be testing off
22 about two miles out to sea, just southwest of Yaquina
23 Head, which is off of Agate Beach in Newport, as well
24 as tri-axis. So we'll be testing a few buoys out
25 there. Hopefully this summer we'll have legislation

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1 that would enable that. It's already passed one of
2 our chambers and is heading to the other. We also
3 have legislation that I'll mention in a moment dealing
4 with the FERC/MMS issue.

5 We have brought together partners from the
6 industry, from fishing, from all of the affected key
7 stakeholders. And we would encourage you to adopt
8 into your long-range planning the model that we've
9 started to set up. As we've found, really siting
10 decisions, when we talk about micro-siting -- not
11 macro-siting -- micro-siting really need to be made at
12 a local level to ensure we don't have unnecessary
13 environmental impacts and economic impacts on local
14 communities.

15 We also bring to the table more than
16 just -- we got players we want to protect and help,
17 and economic development, but we have one of the best
18 ports on the West Coast for servicing these types of
19 apparatus. We also have a very proactive and
20 progressive consumer-owned utility that stretches a
21 huge swath of the central Oregon coast called Central
22 Lincoln PD. They're very excited about this. So we
23 don't have a player that's essentially blocking this
24 and saying, hey, you're going to have to force us to
25 interconnect through PURPA (ph). We've got a real

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1 player that is a partner.

2 So we've got a lot of partnerships going
3 on. I would encourage you to not forget your local
4 partners, because they can really make this stuff
5 happen. And build it into your rules. Build it into
6 your EIS to where the locals can be brought in to make
7 this stuff really happen in a thoughtful way that
8 doesn't do unnecessary damage.

9 Then finally, I'll just let you know that
10 we know there's an issue between FERC and MMS. I
11 won't go through all the legal stuff. However, I did
12 file a comment with FERC on Monday where -- well, I'll
13 just keep it real short. I agree -- I disagree with
14 FERC's analysis of their jurisdictional authority. I
15 believe that MMS protests are well-founded in law when
16 you look at the legislative history of the Federal
17 Water Power Act of 1920, which became part one of the
18 Federal Power Act.

19 Be that as it may, we are not taking the
20 position that FERC needs to go away. We want FERC as
21 a player. We want them to have jurisdiction --
22 cooperative jurisdiction. We would like MMS and FERC
23 to work together to resolve these things, to make a
24 seamless regulatory program that essentially moots
25 this jurisdictional battle. We don't want the house

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1 of cards to fall later because some federal court in
2 DC says, ah, you're lacking here or there.

3 We have actually drafted House Joint
4 Memorial 22 in Oregon, which passed our Joint Ocean
5 Policy Committee unanimously last month, which passed
6 our house yesterday, which basically asks Congress to
7 fix this. Now, we're not holding our breath on that,
8 so we are strongly encouraging MMS and FERC to kind of
9 resolve it through intergovernmental agreements and
10 memoranda of understanding, just fix it at an agency
11 level. But we are continuing to push our
12 congressional members to do that.

13 We're hoping that Oregon can be a leader.
14 We think we already are. We think we have some of the
15 best waves, not just for surfers, but we have some of
16 the best waves. We have some of the best industry
17 representatives. We're very excited about the
18 partnerships at a local, state and federal level. So
19 thank you.

20 MR. MOORE: Thank you, Rob.

21 Our next speaker who has registered to
22 speak is Gregory McMurray.

23 MR. McMURRAY: My name is Greg McMurray,
24 and I represent the Department of Land Conservation
25 and Development for the State of Oregon.

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1 I want to preface -- these are what I
2 would call informal comments that our governor's
3 office is collating the state's policy comments, and
4 they'll have them in on the written deadline.

5 I just wanted to make three points. The
6 gentleman from Lincoln County just made the first one
7 for me, and that is, I think from the state's
8 perspective, we would all like to see the Federal
9 Energy Regulatory Commission and the Minerals
10 Management Service -- you know, try to get some of the
11 best out of two good but very, very different systems.
12 Your method of doing environmental studies, for
13 example, the best part of getting royalties and
14 competitive bidding, and, you know, feeding the
15 federal coffers is really good. FERC does some really
16 good things, too. So I know you're in conference and
17 you're going to try to come up with an MOU by
18 September. I think the best end to that, as he said,
19 is that it would be seamless in going from the
20 territorial sea out into the EEZ for the applicants
21 and for the states and the feds.

22 Second, the Coastal States Organization
23 just gave testimony in Congress relating to the fact
24 that the states want to partner with the federal
25 agencies and the federal government to develop this

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1 nascent industry in an environmentally sound way.
2 Don't need to say any more.

3 And third, and this is getting more
4 personal and down to the details, it seems like in the
5 case of the well-developed OCS oil and gas industry,
6 the tiered EIS system is great. You've done it so
7 many times. You do it well. You have outstanding
8 staff. Not trying to brownie up, honest. But in an
9 untried industry, it doesn't fit very well, I don't
10 think. And so while I agree with the gentleman from
11 Lincoln County, it's dense, but it basically
12 identifies the lack of knowledge.

13 I want to point out one specific oversight
14 in it, and that is the section on wind power talks
15 about the potential for electromagnetic effects from
16 the cabling and the transmission system. Then the
17 section on wave energy refers back to that section on
18 the transmission. Most of the references I've read
19 talk about the very sensitive apparatus and the sharks
20 and rays that sense electromagnetic energy. It tends
21 to nulfer (ph) them somewhere four to eight cycles per
22 second. It's like if we see a light blinking, when it
23 starts blinking really fast, we can't see it blink
24 anymore. They don't see the energy, apparently, until
25 it slows down in terms of AC.

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1 As I understand it, the generating
2 mechanisms on the ones that we're talking about in
3 Oregon are in not cycles per second, but seconds per
4 cycle until that energy gets down its umbilicals or
5 its transmission lines to what we're calling the pods,
6 where that energy's cleaned up and turned into a good
7 50/60 cycle AC.

8 So the PDEIS totally leaves out the
9 potential for the buoys themselves, the transmission
10 to the pods to impact sharks, rays and anybody else.
11 But that's an example. Again, it's not lack of good
12 staff work. It's lack of information. I don't know
13 how you mold what you're used to doing in this tiered
14 EIS system. But my concern, I guess, is just that it
15 creates expectations out there, and those expectations
16 can't be fulfilled.

17 I'll talk at the staff level with people
18 about little eeny weeny details. Thank you for being
19 here. You're doing a great job.

20 MR. MOORE. Thank you, Greg.

21 We have run through the list of people who
22 have signed up to speak. If there's anyone else who
23 did not register to speak and would like to, this
24 would be a good time to raise your hand and step
25 forward and take advantage of an opportunity with a

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1 court reporter in the room and people listening. And
2 if that isn't your thing, please do send us your
3 written comments or file them on the website.

4 Is there anyone who would like to come
5 forward and speak now?

6 (No responses.)

7 MR. MOORE: Great opportunity.

8 (No responses.)

9 MR. MOORE: Thank you very much. We will
10 end the program now.

11 (The meeting adjourned at 7:57 p.m.)
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